

Appl. No. 10/750,586

Amdt. dated January 12, 2006

Reply to Office Action of October 12, 2005

REMARKS

Applicants have carefully reviewed the Office Action mailed on October 12, 2005. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 1, 7, 12, 19, 24, and 25 are amended. No new matter is added. Claims 26-27 are withdrawn from consideration. Claims 1-25 remain pending.

The Examiner has asserted that restriction to one invention is required under 35 U.S.C. 121. A provisional election of Group I, corresponding to claims 1-25, was made on August 17, 2005. Applicants hereby affirm this election and withdraw claims 26-27 from consideration.

Claims 2-3 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner indicated that the limitation "the polymer blend shaft" in claims 2 and 3 has no antecedent basis. The Examiner suggested that claim 1 should be amended by inserting "a polymer blend shaft comprising" after "comprising:" and before "a proximal". Claim 1 is amended as suggested. However, the phrase is inserted prior to "comprising". Applicants respectfully submit that this amendment overcomes the rejection.

Claims 1-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Itou et al. in EP 1 068 876 A2 in view of Utsumi et al. in U.S. Patent No. 5,258,160. Independent claims 1, 7, 12, 19, 24, and 25 are all amended to recite that the intermediate portion has a uniform wall thickness. This differs from Itou et al., which utilizes a braid made from linear members. The braid has an uneven wall thickness due to the fact that the linear members cross over and, consequently, are disposed on top of one another, thereby altering the thickness at the intersection. In addition, gaps are defined between the linear members where the wall thickness differs and, in fact, approaches or becomes zero. Based on this difference, Applicants respectfully submit that amended claims 1, 7, 12, 19, 24, and 25 are distinguishable from Itou et al. Utsumi et al. fails to cure this defect. Therefore, amended claims 1, 7, 12, 19, 24, and 25 are all believed to be in condition for allowance. Because claims 2-6 depend from claim 1, claims 8-11 depend from claim 7, claims 13-18 depend from claim 12, and claims 20-23 depend from claim 19, these claims are also allowable based on these amendments and because they add significant elements to distinguish them further from the art.

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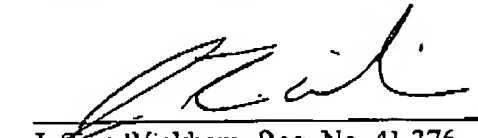
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Martin R. Willard et al.

By their Attorney,

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J. Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349